## **United States Department of Labor Employees' Compensation Appeals Board**

| D.E., Appellant  | )  |
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| and  | ) Docket No. 21-0043<br>) Issued: April 20, 2021 |
| U.S. POSTAL SERVICE, POST OFFICE, Palmdale, CA, Employer             | ) issued: April 20, 2021 ) )                     |
| Appearances: Appellant, pro se Office of Solicitor, for the Director | Case Submitted on the Record                     |

## **ORDER DISMISSING APPEAL**

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On October 2, 2020 appellant filed an appeal from a March 27, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-0043.

The Board, having duly considered this matter, concludes that the appeal docketed as No. 21-0043 must be dismissed. The Board's jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act (FECA). For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>2</sup>

The 180<sup>th</sup> day following the March 27, 2020 decision was Wednesday, September 23, 2020. As appellant did not file an appeal with the Board until October 2, 2020, more than 180 days after the March 27, 2020 OWCP decision, the Board finds that the appeal docketed as No. 21-0043 is untimely filed. The Board is without jurisdiction to review the appeal.

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 501.3(e) (2009).

Appellant has not offered a reason to explain her failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances. Because there is no adverse, final decision issued by OWCP within 180 days of the October 2, 2020 filing of the instant appeal, the Board concludes that the appeal, docketed as No. 21-0043, must be dismissed.<sup>3</sup> Accordingly,

## IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0043 is dismissed.

Issued: April 20, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>3</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).